

REMARKS

Claims 1-6 are amended. Claims 7-20 are added. Claims 1-20 are pending.

Favorable reconsideration is respectfully requested.

At the outset, Applicants thank Examiner Kumar for the helpful suggestions during the courteous discussion of the present application held on January 28, 2003. Further, Applicants thank Examiner Kumar for indicating that the above amendment, combined with the remarks below, would further favorable prosecution.

The rejection of Claims 1 and 5 under 35 U.S.C. §112, second paragraph, is believed to be obviated by the above amendment. More specifically, the parenthesis in Claims 1 and 5 have been removed. Further, Claims 1 and 5 has been amended to specify that one aspect of the invention is the claimed peroxidase enzyme derived from *Geotrichum candidum* Dec 1 FERM BP-7032.

Applicants thank Examiner Kumar for indicating that Claims 2-4 and 6 are allowable subject matter. However, it should be noted that the existence of parenthesis in Claim 1 cannot possibly render it so indefinite that it cannot be examined. Therefore, Applicants respectfully request the Office to examine Claim 1 on its merits, especially since it has been amended to remove parenthesis. Further, Applicants respectfully submit that by removing parenthesis Applicants cannot possibly spark the grounds for a new rejection based upon art. Therefore, if a further rejection is made upon cited art, Applicants respectfully request the Office to make this rejection in a non-final Office Action.

It should be noted that the above-mentioned issues were clarified with Examiner Kumar during the interview on January 28, 2003, where the Examiner indicated that, upon correction of the claims to overcome the §112 rejections, Claims 1-6 appear to be allowable. Further, during this discussion, the Examiner requested the Applicants to amend Claim 6 to


specify that the claimed enzyme is a peroxidase. Accordingly, Applicants have amended Claim 6 as suggested by the Examiner. Finally, Applicants directed the Examiner's attention to a date-stamped filing receipt indicating that Applicants timely filed a Preliminary Amendment on August 27, 2001. Further, Applicants respectfully request this amendment to be entered and considered. The Examiner indicated during this discussion that she would enter the Preliminary Amendment, specifically the amendment to Claim 6, and consider the Preliminary Amendment along with the amendments submitted above for further examination.

Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested. Should anything further be

required to place the application in condition for allowance, the Examiner is requested to contact the undersigned by telephone.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'N. F. Oblon', with a stylized flourish at the end.

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Herewith

IN THE SPECIFICATION

Page 31, lines 13-20, please replace the paragraph with the following text:

--Furthermore, pB92 was [transfected] transformed into E. coli. The transformant was deposited at the National Institute of Bioscience and Human-Technology, the Ministry of International Trade and Industry, 1-1-3, Higashi, Tsukuba, Ibaraki, Japan. The accession number was FERM BP-7032. The transformant was cultured in L culture medium (0.5% yeast extract, 0.5% NaCl, 1.0% tryptone), and harvested and disrupted, to confirm the DyP activity.--

IN THE CLAIMS

Please amend the claims as follows:

- 1. (Amended) A peroxidase enzyme derived from Geotrichum candidum Dec 1 [(FERM BP-7033)] FERM BP-7032, which has the following properties:
- a) a property to degrade and decolorize [dyes] a dye;
 - b) a molecular weight of 60 kDa, by the molecular weight assay [using] as determined by SDS-PAGE;
 - c) a molecular weight of 55 kDa, by the molecular weight assay [using] as determined by gel filtration; and

d) pI [(isoelectric point)] 3.8, as determined by [the] an assay [by] of isoelectric focusing.

2. (Twice Amended) [An] The enzyme according to claim 1, having [the] an amino acid sequence of SEQ ID NO. 7 [in the sequence listing].

3. (Amended) A gene encoding the enzyme according to claim 1, having [the] a DNA sequence of SEQ ID NO. 8 [in the sequence listing].

4. (Amended) An expression plasmid vector comprising the [coding] gene according to claim 3.

5. (Amended) A microorganism[(FERM BP-7032)] FERM BP-7032 [transfected] transformed with the expression plasmid vector according to claim 4.

6. (Twice Amended) A method for degrading and decolorizing [dyes] a dye, comprising [using an]

contacting a peroxidase enzyme derived from Geotrichum candidum Dec 1 [(FERM BP-7033)], which has the following properties:

- a) a property to degrade and decolorize [dyes] a dye;
- b) a molecular weight of 60 kDa, by the molecular weight assay [using] as determined by SDS-PAGE;
- c) a molecular weight of 55 kDa, by the molecular weight assay [using] as determined by gel filtration; and

d) pI [(isoelectric point)] 3.8, as determined by the assay [by] of isoelectric focusing,
or [a] the microorganism according to claim 5 [for degrading and decolorizing dyes]
with the dye.

Claims 7-20 (New).--